

13 Rec'd PCT 23 MAY 2002

10/009581

**FAX COVER SHEET**

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**PLEASE DELIVER IMMEDIATELY!**

DATE: May 23, 2002  
TO: Examiner Winston M. Alvarado  
FAX NO: (703) 305-3230  
FROM: Lisa Conte/Evelyn McConathy  
NO. OF PAGES 16  
CLIENT / MATTER: 22253-67116  
USER ID NUMBER: 1080  
COMMENTS RE: US Application No. 10/009,581

Examiner Alvarado,

Per your request, I am re-sending the fax of 5/15/02. These documents were previously mailed to Box PCT on April 30, 2002. I will call to confirm your receipt. I appreciate your help processing this submission. Lisa

ORIGINAL WILL NOT FOLLOW

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.

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JC20 Rec'd PCT/PTO 30 APR 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

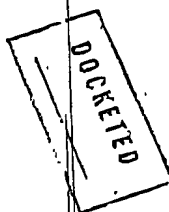
Docket No: 22253-67116PCT US Applicant: UoP

Serial No.: 10/009,581 Attorney: EHM

The Patent Office acknowledges and has stamped hereon  
the date of receipt of the following items:

- (1) Transmittal Concerning A Filing Under §371 (DO/EON/US);
- (2) Petition for Revival Of An Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b); (3) Executed Declaration and Power of Attorney
- (4) Preliminary Amendment (5) Check for filing fees/petition fees/surcharge (\$1450)

CERTIFICATE OF MAILING: April 30, 2002  
EXPRESS MAIL LABEL NO.: EL929340708US



FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (REV. 11-2000)		ATTORNEY DOCKET NUMBER 22253-67116 PCT US
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/009,581
INTERNATIONAL APPLICATION NO. PCT/US00/12551	INTERNATIONAL FILING DATE 08 May 2000 (08.05.2000)	PRIORITY DATE CLAIMED 07 May 1999 (07.05.1999)
TITLE OF INVENTION METHODS FOR CONTROLLING INTRAOCULAR PRESSURE		
APPLICANT(S) FOR DO/EO/US Mortimer M. CIVAN; Anthony D. MacKNIGHT		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information;		
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(g)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)) <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154 (d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has not expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or a declaration of the inventor(s) (35 U.S.C. 371 (c)(4)) <b>(EXECUTED)</b></li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>		
Items 11 to 20 below concern document(s) or information included		
<ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information: <b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b></li> </ol>		

**CERTIFICATION UNDER 37 C.F.R. § 1.10**

I hereby certify that this paper, along with any documents referred to as being enclosed therewith, is being deposited with the United States Postal Service on April 30, 2002 in an envelope as "Express Mail Post Office to Addressee," Mailing Label No. EL020340708US addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

KAREN M. SPINA

U.S. APPLICATION (If known, see 37 CFR 1.5) 10/009,581		INTERNATIONAL APPLICATION NO. PCT/US00/12551		ATTORNEY DOCKET NUMBER 22253-67116 PCT US																					
<input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1) - (5)):</b>  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and international Search Report not prepared by the EPO or JPO .....\$1040.00  International preliminary examination fee (37 CFR 1.482 not paid to USPTO but international Search Report prepared by the EPO or JPO.....\$890.00  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$740.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33 (1)-(4).....\$710.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33 (1)-(4).....\$100.00  <b>ENTER APPROPRIATE BASIC FEE AMOUNT -</b> Surcharge of \$130.00 for furnishing the oath or declaration later than 20 <input type="checkbox"/> 30 <input type="checkbox"/> Months from the earliest claimed priority date (37 CFR 1.492(c)). <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:30%;">CLAIMS REMAINING AFTER AMENDMENT</th> <th style="width:20%;">NUMBER FILED</th> <th style="width:20%;">NUMBER EXTRA</th> <th style="width:30%;">RATE</th> </tr> <tr> <td>Total claims</td> <td>57 - 20 =</td> <td>37</td> <td>X \$18.00</td> </tr> <tr> <td>Independent claims</td> <td>4 - 3 =</td> <td>1</td> <td>X \$84.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$280.00</td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS -</b></td> <td><b>\$1620</b></td> </tr> </table>				CLAIMS REMAINING AFTER AMENDMENT	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	57 - 20 =	37	X \$18.00	Independent claims	4 - 3 =	1	X \$84.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	<b>TOTAL OF ABOVE CALCULATIONS -</b>			<b>\$1620</b>	<b>CALCULATIONS PTO USE ONLY</b>  <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">\$740.00</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">\$130.00</div>	
				CLAIMS REMAINING AFTER AMENDMENT	NUMBER FILED	NUMBER EXTRA	RATE																		
Total claims	57 - 20 =	37	X \$18.00																						
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MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00																						
<b>TOTAL OF ABOVE CALCULATIONS -</b>			<b>\$1620</b>																						
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  <div style="text-align: right;"><b>SUBTOTAL -</b></div>				<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">\$810</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">\$</div> <div style="text-align: right;"><b>TOTAL NATIONAL FEE -</b></div>																					
<input type="checkbox"/> Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">\$</div>																					
<input type="checkbox"/> Petition and Fee for Extension of Time under 37 CFR 1.136(a) are enclosed.				<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">\$</div>																					
<input checked="" type="checkbox"/> PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) and fee (37 CFR 1.17(m)) are enclosed.				<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">\$640</div>																					
<b>TOTAL FEES ENCLOSED -</b>				<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">\$1450</div>																					
				Amount to be refunded: \$ Charged: \$																					

a. ☒ Check No. 178641 totalling the amount of \$1450 to cover the above fees are enclosed.

b. ☐ Please charge my Deposit Account No. 50-0979 in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0979. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

e. ☐ No fees are to be paid at this time.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Evelyn H. McConathy, Esquire  
 DILWORTH PAXSON LLP  
 3200 Mellon Bank Center, 1735 Market Street  
 Philadelphia, PA 19103-7595  
 Tel.: (215) 575-7000

DATE: April 30, 2002

SIGNATURE  
 NAME: Evelyn H. McConathy  
 REGISTRATION NUMBER: 35,279

PTO/1390 REV 11-2000  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

<b>DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. § 371</b>		ATTORNEY DOCKET NO. 22253-67116 PCT US
		U.S. APPLICATION NO. 10/009,581
INTERNATIONAL APPLICATION NO. PCT/US00/12551	INTERNATIONAL FILING DATE 08 May 2000 (08.05.2000)	PRIORITY DATE CLAIMED 07 May 1999 (07.05.1999)
TITLE OF INVENTION METHODS FOR CONTROLLING INTRAOCULAR PRESSURE		
APPLICANT(S) FOR DO/EO/US Mortimer M. CIVAN; Anthony D. MacKNIGHT		

CERTIFICATION UNDER 37 CFR § 1.10

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the U.S. Postal Service on April 30, 2002, in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR § 1.10, Mailing Label Number EL929340708US addressed to the: Assistant Commissioner for Patents, Washington, DC 20231.

  
Karen Spina

BOX PCT  
ATTN: DO/EO/US  
Assistant Commissioner for Patents  
Washington, DC 20231

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR § 1.137(b)**

Applicant hereby petitions for revival of this application.

1. Attached:

- ☒ Petition Fee  
Small Entity Fee \$640.00 (37 CFR 1.17(m))
- ☒ U.S. Basic National Fee  
Small Entity Fee \$745.00 (37 CFR 1.492)
- ☒ Preliminary Amendment
- ☒ Formalities required to complete National Phase entry
  - ☒ Surcharge (Small Entity Fee \$65) for furnishing Declaration/Oath later than 30 months from the priority date (37 CFR 1.492)
  - ☒ Declaration/Power of Attorney executed by inventors (35 USC 371)

## 2. Statement that the entire delay was unintentional:

The entire delay in filing the US Basic National Fee from the expiration of 30 months from the priority date until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.


## 3. FEE PAYMENT

The fee required is paid as follows:

- ☒ Check No. 178641 is enclosed to cover the petition fee under 37 CFR § 1.17(m), filing fees under 37 CFR § 1.17(i), and surcharge (37 CFR 1.492(f)). Please charge any deficiency or credit any overpayment to Deposit Account No. 50-0979.
- ☒ The Commissioner is hereby authorized to charge any additional fees associated with this submission to Deposit Account No. 50-0979. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: April 30, 2002

  
Evelyn H. McConathy  
Registration No. 35,279

DILWORTH PAXSON LLP  
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